PC

Pc. IV

1948-51

File No. 2891/36

P.W. **DEPARTMENT**

B CLASS

El. **BRANCH**

Subject:— Suggestions of Public Accounts Committee.
Re: Recovery of El inspection fees.

El.

File No. 2891/36 Pt-IV

G R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 2891/36 Pt IV

P.W. DEPT.

El BRANC

References :—

Date.	To whom sent.	Notes and instructions.

Extract para 21 of the Report of the P.A. Committee.

21. Under the same grant are reported a series of arrears of fees payable by various electrical companies for services rendered by Government's staff of Electrical Inspectors. Some of the arrears date back to 1936-37. It is clear that the process of recovery has been dilatory and unsatisfactory. We recommend that prompt steps be now taken for the recovery of the arrears. For the future, we recommend that rules and procedure be carefully examined and suitably altered so as to ensure prompt payment. The rules in question are framed under the Indian Electricity Act,1910. We would draw attention to rule 3 which as it stands, permits payment "prior to or at the time of the inspection, examination or test", and further provides that "if, for any reason, the fee is not paid either prior to or at the time of the inspection, examination or test, such fee shall be paid within 10 days, from the date of such inspection, examination or test". It may be desirable to amend this rule so as to make it invariably compulsory for the company to pay the fees before inspection. The suggestion may be examined by Government. It may also be examined whether the rules should not provide for cancellation of licence as penalty for non-payment. The feasibility of recovering unpaid fees as arrears of land revenue is another point which might be examined in this connection.

To

El.Br. for taking immediate action in the matter. The original case is being submitted through that & other Branches

Id/-
9-4-48.

ADS/-

2891/36.

EL.BR.

P.M.D.

The relevant papers, (No.2891/36/44299) dealing with the recovery of arrears of fees for the services of El. Inspectors, have been refd. us to the El. Engr. to Govt., singe the 3-3-48, with a request to furnish the amount of the outstanding fees and the names of the Dist. Magistrates, who are regd. to recover the same. That officer may be requested to return these papers with the necy. information. He may further offer his immediate remarks on the various suggestions contained in para 21 of the report of the P.A. Committe.

ID/-
12-4-48.

VERY URGENT.

Id/-
12-4-48.

U.O. to El.Engr. to Govt. dated 12-4-48.

ADS/-

Below U.O.R. No.2891/36 dated the 12th April 1948, from Government in the Public Works Department.

No. G.123/ 349 of 1948.

Bombay, 22nd April 1948.

Returned, with compliments.

2. The suggestion of the P.A. Committe to amend rule 3 of the ~~xxxxxxxx~~ of the Rules for the levy of fees for the services of Electric Inspection, so as to make the payment of inspection fees prior to inspection compulsory does not seem to be feasible, firstly, because it will not be in order to insist on such advance payment as the fees are chargable for the specific services rendered by the Electric Inspector; and secondly the statutory inspections are carried out primarily in the interest of public safety and as such, they will not admit of indefinite postponement because of the default in payment of fees in advance by any party.

3. The present procedure of recovering irrecoverable fees on application to the District Magistrate, under section 54 of the Indian Electricity Act, 1910, by the distress and sale of moveable property of the defaulting party, appears to be effective, provided the Magistrates take prompt action in the matter, and it will in no way improve the situation if the unpaid fees are made recoverable as arrears of land revenue, as the amount recoverable in each individual case is very small.

4. As there are no cases of arrears outstanding against the Electric Supply Companies, which are granted licenses to supply energy under section 3 of the Indian Electricity Act, 1910, the question regarding provision in the rules for cancellation of licenses as penalty for non-payment does not arise.

5. In this connection, it is stated that the question regarding revision of the ~~prmt~~ procedure for the recovery of fees to ensure prompt payment was raised by the Accountant General, Bombay, in para 9 his Inspection Report of the Electrical Division for 1946-47, when it was pointed out by me that the proposal for the recovery of fees in advance would not be feasible ~~xx~~ and the present practice of recovering the outstanding fees through the District Magistrate under section 54 of the Indian Electricity Act, 1910, seems to be a proper one and may be allowed to continue.

6. The information called for by the ~~x~~ Government in its U.O.No.2891/36/44299 dated the 12th April 1948, is still being collected and the file will be returned in due course.

2891/36/20934.

P.W.Deptt.

El.Br.

These papers deal with the suggestions of the P.A.Committee for effecting the speedy recovery of fees for the services of Electric Inspectors.

2. According to rule 3 of the Rules for levy of fees for the services of Electric Inspectors, the fees payable under the Rules may be paid prior to or at the time of the inspection, exam. or test and if for any reason the fee is not paid either prior to or at the time of the inspection, exam. or test, such fee shall be paid within ten days from the date of such inspection, exam. or test.

3. The P.A. Committee reports that arrears of fees payable by persons always accumulate, which shows that the process of recovery is not satisfactory. The Committee, therefore, suggests that the rule, refd. to in the preceding para., should be amended so as to make it invariably compulsory for the person to pay the fees before inspection.

4. The El.Engr. to Govt. observes that the above suggestion of the Committee does not seem to be feasible, firstly, because it will not be in order to insist on such advance payment as the fees are chargeable for the specific services rendered by the Electric Inspector, and secondly, the statutory inspections are carried out primarily in the interest of public safety, and as such they will not admit of indefinite postponement because of the default in payment of fees in advance by any party.

5. It may be stated here that in his Inspection Report of the Electrical Dn. for 1946, the A.G. had suggested the amendment as mentioned in para 3 above The El.Engr. did not agree and stated that the present practice of recovering the outstanding fees through Dist. Magistrates under Section 54 of the I.E.Act may continue. Govt. agreed with the El. Engr.

6. In the circumstances now pointed out by the El.Engr. (Vide, para. 4 above), no useful purpose will, it seems, be served by amending rule 3 of the Rules for levy of fees for the services of Electrical Inspectors. Instead, if the Elecl. Deptt. reports cases of undue delay to the magistrates direct for immediate action and if the magistrate concerned takes prompt action in the matter, the position is bound to improve substantially.

7. It is added for information that the El.Engr. is asked from time to time to report the amount of outstanding fees of inspection and then the D.M.S. concerned are requested to recover the requisite arrears. File No.2891/36/44299 dealing with the recovery of arrears of inspection fees is already under u.o.r. to the El.Engr., who is collecting the necy. information, on receipt of which the D.M.S., concerned will be expedited.

8. The P.A.Committee has also suggested that the feasibility of recovering unpaid fees as arrears of land revenue may be considered. As pointed out by the El.Engr. in para. 3 of his note, this will not perhaps improve the situation as the amount recoverable in each individual case is very small viz. Rs.15/- to 20/- usually. The R.D. may however offer remarks, if any, in this connection.

9. With refce. to the suggestion of the Committee to provide for cancellation of license, attention is invited to para. 4 of the El.Engr's. note. No action is necy. in that connection.

10. The R.D., the F.D. and the A.G. may see the papers u.o.

ID/-
11-5-58.

Secy. A.D. (II).

The extent of the fees outstanding would have given a good indication of the magnitude of the problem. This information is however is not ~~f~~ yet at hand.

ID/-
12-5-48.

I do not see why the fees cannot be received in advance Three months before the inspection is due a notice should be sent by the El. Inspector about the date of inspection & the fee, due one and the party should be asked to pay the money in advance. Such notices are sent by the boiler inspectors to the P.W.D. for its rollers and the money is paid in advance by us. Apparently the El. Engineer simply says that this is not feasible without even attempting to introduce a procedure on the lines above. Recovery through D.M. is always not so easy as the D.M's. have other multifarious duties to attend to. It should be possible to recover however this amount as arrears of land Revenue.

ID/-
14-5-48. U.O R.D/F.D. A.G. dated 15-5-48

Rev. Deptt.

There is no objection to the recovery of ~~f~~ fees for the services of Electric Inspectors as arrears of land revenue. However, the Indian Electricity Act will have to be amended so as to provide for recovery of the fees in such manner.

2. The p.p. may be passed on U.O. to F.D. and A.G.

ID/-
16-5-48.

"A" in the Secy. P.W.D.'s note would seem to apply to the recovery of The dues as arrears of land rev. even if this is permitted and is legal: therefore both the Deptt. and the D.M Collector will presumably employ the same machinery for effecting recoveries of arrears.

ID/-
17-5-48.

Unless the amounts are legally made recoverable as arrears of land revenue, there would be nothing for R.D.

officers to do. The amounts to be recovered appears to be small in each individual case (para 8 at p. 8). In view of El. Engr's. para 4, at p. 5, it seems necessary that in suitable cases D.Hs. may be requested to take prompt and deterrent action and there would be little to commend approaching them for the same recoveries namt merely qua Coll's and as arrears of land revenue.

U.O.R. with P.W.D. file No. 2891/36II

ID/-
20-6-48.

to FD/AG No (P.W.D.) 2891/36/20934
Jd 21/June/1948

Fin. Deptt.
"A"

These papers may be passed on to the A.G. with the following remarks. Jd 22-6-48

2. Before considering the lines on which the P.W.D. is required to take action on the P.A.C's. recommendations in question it is necessary to look into the causes that led that body to make those recommendations. Attention is invited in this connection to para. 8 of the audit comments under Grant No. 23 "Civil Works" on page 185 of the Appropriation Accounts 1945-46. It will be seen from the facts reported therein that the action required to be taken by the P.W.D. is twofold: (i) to take strong and immediate steps to recover the past arrears of inspection fees in full, and (ii) to decide upon the future policy so that there may not be such arrears at all. As regards (i) the P.W.D. proposes to expedite the D.Hs. concerned after receipt of certain information called for from the Elec. Engineer Vide para. 7 of the P.W.D. office note dated 11-5-48. The P.A.C.'s recommendation in regard to the recovery of these past arrears is that the arrears should, if possible, be recovered as arrears of land revenue. The Electrical Engineer is, however, for the reasons stated in para. 3 of his u.o.r. dt. 22-4-48, not in favour of such a course. Secy. R.D. also seems to

hold the same view. The Elec. Engr. has observed in this connection that under the existing procedure the D.Ms. can recover the arrears "by distress and sale of moveable property of the defaulting party", and considers this to be sufficiently effective provided the D.Ms. take prompt action. He has further stated that the amount of arrears in each individual case is very small. The A.G. has pointed out in his audit comments referred to above that some of the arrears date back to 1936-37. Evidently there appears to be considerable slackness on the part of the recovering authorities in this matter. The power given to the D.Ms. by the Indian Electricity Act of 1910 to recover the dues "by distress and sale of moveable property" seems to be quite adequate compared to the small amount of arrears in each individual case, and it is difficult to understand why the D.Ms. should find it very difficult to arrange for speedy recovery of the arrears from the defaulters. The P.W.D. may, therefore, be requested to ask the D.Ms. concerned to take stronger steps immediately and see that all the arrears are duly recovered without any further delay, preferably before the end of September next. The P.A.C. has viewed the present unsatisfactory progress of recovery reported in the Appropriation Accounts with serious displeasure and it would certainly be desirable for the P.W.D. to be in a position to report some better progress in this matter when it meets next to consider the Appropriation Report for 1946-47. That Department may be requested to communicate the progress made in

It is not clear whether some of the recoveries are timebarred. If the recoveries cannot be effected under law P.W.D. can take steps to write off. some portion after thorough investigation.

~~xhisxmxkxxx

out a device by means of which the recoveries can be effected without undue delay. That Deptt. may also examine the legal position to see whether there is any legal objection to the course suggested by the P.A.C. and if there is none, whether periodical inspections can be made compulsory on the Electrical Companies in the interest of public safety. (if such inspections are not already compulsory under the existing rules). If however, the P.A.C.'s suggestion is not considered by that Department to be feasible for one reason or other that Department may examine whether the rules can be so revised as to include a provision for imposing a suitable penalty for the late payment of fees the amount of penalty varying with the amount of delay.

There seems nothing wrong in recovering the fees in advances though actual service for these fees will be rendered later on. The inspection may be carried out as Scheduled and non-compliance with rule about advance payment should be made penal. The P.W.D. may be requested to introduce the system immediately and make efforts to recover arrears in a reasonable time.

As regards the P.A.C.'s suggestion regarding provision in the rules for cancellation of licenses as penalty for non-payment the remarks of Electrical Engr. in para. 4 of his u.o.r. may be seen. Presumably the whole of the amount of the arrears reported in the audit comments referred to above is due from non-licences. The P.W.D. may please get this confirmed from the Elec. Engr. The provision for cancellation of licenses suggested by the P.A.C. will be effective only if the defaulting parties happen to be licensees. If, therefore, the P.W.D. is satisfied that the existing provisions in the Act and the Rules are

Sufficient to deter the licenses from delaying the payment of fees and that chances of the licensees being defaulters are very few this Department may not have any thing to say in the matter. The P.W.D. will, however, have to incorporate the decision taken in the matter in its report about the action taken on the P.A.C.'s recommendations.

ID/-
29-6-48

It is not clear from the papers why there should be any considerable delay in making recoveries through Magistrates. It is not known for instance, whether the Inspectors applies to the D.M. as soon as the period of ten days provided in the Rules for making payment has relapsed after the inspection. If, not they may be instructed to do so ,

A suitable penalty say 25% of the original amount may also be made leviable when payment is not made within the permitted period.

If then steps are taken it will not be necessary to insist on advance payment.

2891/36/35606.

P. W. D.

El.Br.

Submitted with refce. to the O.M., dated the 11-5-48.

2. The ~~pwm~~ points at issue are as follows:-

(a) What action should be taken to effect the speedy recovery of arrears of fees for the services of Electric Inspectors.

(b) What steps should be taken to avoid such arrears in future.

3. Point (a):- In the interest of public safety, Electric Inspectors inspect and test periodically electric appliances for generation of energy. Necy. fees for such inspections are to be paid by the parties concerned. According to existing ~~xx~~ rules framed by Govt., a party is at liberty to pay the fees prior to or at the time of or within ten days from the date of such inspection. In most of the cases, the fees are not paid prior to or at the time of inspection and when inspections are carried out the parties concerned evade payment of fees. As a result, heavy arrears have accumulated. These unpaid fees can be recovered as arrears of land revenue. As the amount recoverable ~~xxx~~ in each individual case is very small, it may not improve the situation if the unpaid fees are made recoverable as arrears of land revenue. The Dist. Magistrates concerned may, therefore, be asked to effect the recovery "by distress and sale of moveable property of the ~~defaulting~~ defaulting party". In fact this procedure is being followed so far. The D.Ms. have, however, failed to recover the fees within a reasonable time. They may, therefore, be asked now to effect the recovery, within three months from the receipt of Govt. orders and if not, to justify the delay and state the difficulties they find in clearing such arrears and also state whether some of the recoveries are time barred and cannot be effected under law so that steps may be taken to write them off.

A

File No.2891/36/44299 dealing with the recovery of arrears of inspection fees is under ~~u~~or to the El. Engr, since 12-4-48. Therein that offecer has been asked to give an upto-date list of the arrears of fees. The El. Engr. may be requested

to expedite the return of the relevant file (28-91/36-III) with the necy. information in order to enable Govt. to take action as at "A" above. Q

4. Point (b):- How to avoid accumulation of the arrears of fees in future? There are two ways. vis.(I), Advance payment should be insisted upon. Please see in this con. para 2 of the El. Engr's note on p.5 ante. According to him prior payment will not be feasible. That officer may, however, give his revised opinion in this con. in the light of the Secy.(I)'s note, dated the 14-5-48. (ii) The other alternative is to levy a penalty for non-payment of fees as suggested by the Secy., F.D. It is, however, pointed out that the amount of penalty will also have to be recovered by the D.Ms. only, who are likely to find the same difficulties as are found by them in recovering the original amount of the inspection fees. This question may, therefore, be considered after the receipt of the remarks of the several Dist. Magistrates with refce. to "A" in para 3 above. Z

5. The papers may, in the first instance, be refd. u.o. to the El. Engr. with refce. to "Q" in para 3 and "Z" in para 4 above, and "M" on para 14 ante.

ID/-
15-7-48.

Thro' A.B. (II).

U.O to El Engr th GoM dated 16.7.48.

Form B 17

No. of 194 P.W.D.Offices, Churchgate St. Fort, Bombay 1. d/

To. Dist. Magistrate

Subject:- Recovery of inspection fee for 194

I have to state that under the rules for the levey of fees for the services of Electrical Inspectors issued under Govt. Notification, Public Works Department No. 2891/36 dated the 5th December 1942, a sum of Rs. (*) is due to Govt. from Mr./Messrs. (*) _____ being the fee for the inspection of the electric motor at his/their _____ carried out by this Department in _____194 . In reply to this office letter demanding the payment of fee/ he/ they has/ have neither replied nor has the amount in question yet been paid.

I have, therefore, to request you to kindly take necessary action to recover the same under Section 54 of the Indian Electricity Act 1910, in accordance with which the fee may be recovered by the distress and sale of any moveable property belonging to the above part.

The amount when received should be paid into the Govt. Treasury to the credit of this Department under "XIII other Taxes & Duties- B- Receipts from Electricity Duties- Fees under the Electricity Rules 1937 and fees for Electrical Inspection of Cinemas" and the Chalan obtained should be forwarded to this office as soon as possible or the amount so recovered may be sent to this office as usual.

(*) typed on reverse.

Asstt. Elec. Inspector.

M 500/ 22-7-46.

FORM A.

No. of 194 .

Office of the Electric Inspector,

To

The electric installation at

will be inspected on
and you are hereby required under Bombay Government Order, Public Works Department, No. 2891/36, dated 5th December 1942, as published in the Bombay Government Gazette, pages 4174-78 of 10th December 1942, to pay an ~~inspection~~ inspection fee of Rs. into the Government Treasury or the Reserve Bank of India to the credit of this Department under XIII - Other Taxes and Duties-B.Receipts from Electricity Duties-. Fees under the Electricity Rules, 1937, and fees for electrical inspection of cinemas, by chalan in triplicate, the receipted duplicate being forwarded to this office by the Treasury officer direct. Care should be taken to mark the chalans-Original, Duplicate and Triplicate. The fee may also be paid into this office or that of the Electrical Sub-Inspector, in cash, by money order or cheque.

If this fee is not paid within ten days from the date hereof, action will be taken against you under Section 54 of the Indian Electricity Act, 1910, in accordance with which the fee may be recovered on application to a Magistrate by the distress and sale of any moveable property belonging to you.

Asst Electric Inspector.

Below U.O.R.No.2891/36/35606 dated the 16th July, 1948, from Government in the Public Works Department.

No. of 1948.

Bombay, August 1948.

Returned, with compliments.

2. Regarding the possibility of collecting the fees in advance and also the levying of a sort of penalty for non-payment of fees in time, the following remarks are offered:-

(I) Advance intimation of inspection to the owner, informing him the date of inspection and also asking him to pay the inspection fee on the basis of his previous year's installation, which fee would be amended if necessary, in case of additions and alterations to the installation at the time of actual inspection, is sent by the Assistant Electric Inspectors in form "A" (attached herewith). It has, however, been observed that in a number of cases, the operatows who are in charge of the installatio refuse to accept such notices, with the resu that many such notices are returned to the Assistant Electric Inspectors after a fortnight or so, i.e. even after the inspection are over. Similar things are happening also in respect of the recommendations served on the owners for their installations, with the result that neither were the inspection fees received nor were the recommendations attended to expeditiously. In order to overcome this difficulty, orders have now bee issued to the Electrical Sub-Inspectors who carry out the Inspections to hand over the fee notice to the operator immediately after

the inspection is over and try his best to collect the amount at site; otherwise, ask the operator to inform the owner to pay the fees at the Electric Inspertor's offece within ten days, failing which his name would be reported to the District Magistrate for necessary action (vide Form "B" attached). This procedure has worked very well indeed at most of the places, since not only the recovery of the inspection fees but also the compliance with the recommendations under the Indian Electricity Rules have been prompt.

(2) The Assistant Electric Inspectors are prompt in reporting the names of the defaulters to the District Magistrates and it is really not understood why the District Magistrates should not be able to recover the fees according to the procedure laid down in section 54 of the Indian Electricity Act.

(3) I have personally explained these difficulties to the Secretary (Irrigation) and have showed him how the communications addressed to the parties are returned by the post office and he is also satisfied that it is not possible to recover any more amount by asking the consumers to pay the fees in advance.

(4) I have informed the Secretary that I shall raise up the question when the Indian Electricity Rules, 1937, are to be revised and try to have a suitable provision in the Rules for a penalty in cases where the consumers fail to pay the inspection fees within the max prescribed time as per the Electric Inspector's order.

50 El. Engr to Govt 28/8/48

2891/36/47402.

P.W.Deptt.

El.Br.

Submitted.

2. These papers deal with the suggestions of the Public Accounts Committee for effecting the speedy recovery ~~xxxxxxx~~ of fees for the services of Electric Inspectors.

3. In the Interest of ~~f~~ public safety, Electric Inspectors inspect and test periodically electric appliances for generation of energy. Necy., fees for such inspections are to be paid by the parties concerned. According to existing rules framed by Govt., a party is at liberty to pay the fees ~~f~~ prior to or at the time of or within ten days from the date of such inspection. In most of the cases, the fees are not paid prior to or at the time of inspection and when inspections are carried out, the parties concerned evade payment of fees. According to the present practice, the Dist. Magistrates recover such arrears of fees under Section 54 of the I.E.Act, by distress and sale of moveable property of the defaulting party. It is, however, found that large amounts of arrears are outstanding and some of these arrears date back to 1936-37. The amount of inspection fees, reported by the El. Engr. in July 1947, to be recovered by various D.Ms. was Rs.21,523-12-0. In August 1948, the El.Engr. reported that arrears still outstanding amount to Rs.20,714-4-0. This means an amount of Rs. 809-8-0 only could be recovered between July 1947 and Aug. 1948.

4. Finding accumulation of the arrears of fees payable by persons, the P.A.Committee has suggested the following remedies:-

(a) Rule 3 of the Rules for levy of inspection fees should be so amended as to make it invariably compulsory for the party concened to pay the fees before inspection.

(b) The feasibility of recovering unpaid fees as arrears of land revenue should be examined.

(c) Provision for cancellation of license as penalty for [illegible] should be made in the Rules.

5. In his No.G.123/349, dated the 22-4-48, the El.Engr. to Govt. observed that the suggestion of the P.A.Committee in para.4(a) above does not seem to be feasible, firstly because it will not be in order to insist on such advance payment, as the fees are chargeable for the specific services rendered by the Electric Inspector, and secondly, the statutory inspections are carried out primarily in the interest of public safety and as such they will not admit of indefinite postponement because of the default in payment of fees in advance by any party.

The El.Engr. was, however, asked to reconsider his opinion in this connection in the light of the remarks of the Secy.(I) who pointed out in his note, dated the 14-5-48, that notices for prior payment are sent by boiler inspectors to the P.W.D. for its rollers and money is paid in advance by Govt., such notices should be sent by the El.Inspector to the parties concerned for prior payment of inspection fees.

In his No. G.123/2612, dated the 27-8-48, the El.Engr. states that advance intimation of inspection are always sent, but the owners or the operators who are in charge of the installations refuse to accept such notices with the result that many such notices are returned to the Asstt. El.Inspectors and neither the inspection fees are recd. nor the recommendations attended to expeditiously. It is thus not possible to recover any more amount by asking the consumers to pay the fees in advance.

6. Regarding the P.A.Committee's suggestion mentioned in para.4 (b) above, the El.Engr. has pointed out that the recovery of unpaid fees as "arrears of land revenue" will in no way improve the situation, as the amount recoverable in each individual case is very small.

The Secy., R.D. observed in this connection that unless the amounts are legally made recoverable as arrears of land revenue (i.e. by amending the I.E.Act, so as to provide for recovery of the inspection fees in such manner), there would be nothing for the R.D. officers to do,. He further agreed with the El.Engr. that in suitable cases, the D.Ms. should be requested to take

prompt and deterrent action and there would be little to commend approaching them for such recoveries as arrears of land revenue."

7. Re: the P.A.Committee's suggestion in para.4 (6) above, it is stated that as pointed out by the El.Engr. in para. 4 of his note, dated the 22-4-48, there are no cases of arrears outstanding against the Electric Supply Coys., which are granted licenses to supply energy under Sec. 3 of the I.E.Act, 1910, and hence the question re: provision in the rules for cancellation of licenses as penalty for non-payment does not arise.

8. It will be seen from the preceeding paras. that the suggestions of the P.A.Committee re: speedy recovery of arrears of fees are not quite feasible. The question then for consideration is-

(a) What action should be taken to effect the speedy recovery of arrears of fees for the services of Electric Inspectors and

(b) What steps should be taken to avoid such arrears in future.

9. Para. 8(a) above.- The Asstt. El. Inspectors are prompt in reporting the names of the defaulters to the Dt. Magistrates. It must therefore be possible for the D.Ms. to recover the fees promptly according to the procedure laid down in Section 54 of the I.E. Act. As stated in para. 3 above, the D.Ms. have, however, failed to recover the fees within a reasonable time. A draft letter has therefore been proposed separately in file No.2891/36/46864, wherein the D.Ms. concerned have been asked to effect the recovery of accumulated arrears of fees within three months from the receipt of Govt. orders and if not, to justify the delay and state the difficulties they find in clearing such arrears and also to state whether some of the recoveries are time-barred and cannot be effected under law so that steps may be taken to write them off.

10. Para.8(b) above.- In order to avoid arrears of fees in future the suggestion of the Secy., P.D., in his note

on p.14 ante, viz. to levy a penalty for non-payment of fees, seems to be feasible. In para.4 of his note, dated the 27-8-48, the El.Engr. states that he shall raise up this question when the I.E.Rules 1937, are to be revised and try to have a suitable provision in the Rules for a penalty in cases where the consumers fail to pay the inspection fees within the prescribed time as per the El. Inspector's Order.

It may be stated for information in this connection that the question of complete revision of the I.E.Rules to bring them into line with the latest British and American practices is at present under the consideration of the Govt. of India, who has entrusted this work to an Advisory Technical Committee, and at the instance of the Govt. of India, this Govt. has permitted Mr.S.G.Nadkarni, El.Engr. to Govt., (In G.L.No. 1611/36-El., dated the 26-8-1948) to serve on the above Advisory Technical Committee in addition to his own duties.

In the meanwhile the El. Engr. has issued the orders to the Electrical Sub-Insprs. who carry out the inspections to hand over the fee notice to the operator immediately after the inspection is over and try their best to collect the amount at site; otherwise ask the operator to inform the owner to pay the fees at the El.Inspr's office within ten days, failing which his name would be reported to the Dist. Magistrate for necessary action. This procedure, ~~says~~ says the El.Engr. has worked very will indeed at most of the places, since not only the recovery of the inspection fees But also the compliance with the recommendations ~~xx~~ under the I.E. Rules has been prompt.

11. The R.D., F.D. and the A.G., Bombay, may see the papers U.O. after submission.

ID/-
1-10-48.

Thro: A.B. (III)

2891/36
47402

U.O. to Rev. & Finance Deptts & A.G. Bombay date 15-10-48 & with file No.2891/36 II.

ID/-

This may be seen and passed on to the F.D. This Deptt. is concerned with para 6 of the P.W.D. office note.

ID/-
21-10-48.

... U.O R मंत्री PWD फा 2891/36/II से FD
no 2891/36/ dated 22 X 1948

Finance Department. "H".

Submitted with reference to this Deptt. noting on pp. 10-14 ante.

2. As regards the recovery of the past arrears of fees for inspection of electrical installations the P.W.D. proposes to address the D.Ms. concerned in the terms stated at 'A' in para.9 of the P.W.D. note dt. 1.10.48. The draft letter is stated to be separately under submission in that Deptt. Presumably a copy of the letter, if issued, will be endorsed to this Deptt. for information. That Deptt. may be advised to ascertain from the D.M.s the progress of recovery after a month or so as the P.A.C. would certainly be interested in knowing it and may require that information at the time of its next meeting. As regards the steps to be taken in order to avoid large accumulation of arrears of inspection fees in future, the course of recovering fees in advance is not feasible in the opinion of the P.W.D. As that course was suggested by the Public Accts. Committee itself the P.W.D. (or the Secy. P.W.D. who will represent that Deptt. at the next meeting of that body) will have to convince the Committee about the soundness of its view in the matter. The suggestion about levying a suitable penalty for non-payment of fees, made by the Dy. Secy., F.D. in his note dt. 30.6.48 is considered feasible by the P.W.D. and the El. Engineer has promised to raise this question when the Indian Electricity Rules, 1937, will be revised. The P.W.D. has stated in this connection that a complete revision of the I.E. Rules is at present under consideration of G. of I. and that they have appointed a Committee for the purpose on which the Elec. Engineer to this Govt. has been permitted to serve as a member.

3. The P.W.D. may now be requested to prepare a short and self-contained report in the matter bringing out clearly the decisions taken by the Deptt. on the recommendation contained in para. 21 of the latest

report of the P.A.C. and the reasons underlying those decisions. This report will be incorporated in the "statement of action taken on P.A.C's. recommendation" to be placed before the P.A.C. at its next meeting. As the statement is now nearing completion the P.W.D. may be requested to send the requisite report immediately on receipt of this case.

4. The pps. may be passed on to the A.G. with the above remarks.

ID/-
26-10-48.

U.O.N. to A.G. B.bay dated 27-10-48
with P.W.D. file No 2891/36/II

A.G's office, B'bay.
seen and returned
10-12-1948
U.O. to Govt P.W.D. Bombay,

2891/36/68874.

P. W. D.

El.Br.

Submitted with reference to the O.M., dated the 1st October 1948.

2. With reference to "C" on p. 29 ante, the draft put up for approval may issue.

3. The G.L. referred to at 'A' on p. 28 ante is in file No.2891/36-III, which is under u.o.r. to the El.Engr A copy of that Govt. Letter need not now be sent to the F.D., as the substance of that G.L. is given in column 2 of the Statement accompanying the proposed draft.

4. Regarding "B" on p. 28 ante, the Electrical Engineer may be requested u.o. to report the progress of recovery of fees, since made by the various Districts Magistrates.

5. The draft put up may issue first and then the papers be referred u.o. to the El.Engr. as proposed in the preceding paragraph.

ID/-
23-12-48. Thro' A.B.(II).

dd 24/12/48

Urgent
U.O to El Engr to Govt dt 3.1.49

Statement containing Public Accounts Committee's recommendations and the decision thereon regarding recovery of fees for the services of Electric Inspectors.

Recommendations in paragraph 21 of the Public Accounts Committee's report for speedy recovery of accumulated arrears of fees for the services of Electric Inspectors and for avoiding such arrears in future.	The decision taken by Government in the public Works Department.	The reasons underlying the decisions in the preceding column.
1	2	3
(1) The process of recovery has been dilatory and unsatisfactofy. Prompt steps should now be taken for recovery of arrears of fees.	(1) The District Magistrates concerned have specifically been asked in October 1948 to effect the recovery of accumulated arrears of fees within three months and if not, to justify the delay and state the difficulties they find in clearing such arrears and also to state whether some of the recoveries are time-barred and cannot be effected under law so that steps may be taken to write them off.	(1) The Assistant Electric Inspectors are prompt in reporting the names of the defaulters to the District Magistrates. It must, therefore, be possible for the District Magistrates to recover the fees promptly according to the procedure laid down in Section 54 of the Indian Electricity Act. Necessary further action will be taken on receipt of of the details from the District Magistrates.
(2) To avoid arrears of electric inspection fees in future, the following suggestions are made:- (a) Rule 3 of the Rules for levy of inspection fees should be so amended as to make it invariably compulsory for the party concerned to pay the fees before inspection. (b) The feasibility of recovering unpaid fees as "arrears of Land revenue" should be examined. (c) Provision for cancellation of license as penalty for nonpayment of fees should be made in the Rules.	(2) To avoid accumulation of arrears in future, it has been decided to have a suitable provisinn, if possible, in the Indian Electricity Rules, 1937, for a penalty for defaulters. The Electrical Engineer, who is the member of the Advisory Technical Committee set up by Government of India for revising the Indian Electricity Rules, 1937, will take up this question of providing for a penalty in the revised rules. In the meanwhile, the Electrical Sub-Inspectors have been instructed to hand over the fee notice to the operator immediately after the inspection is over and try their best m to collect the amount at site; otherwise ask the operator to inform the owner to pay the fees at the Electric Inspector's office within ten days, failing which his name would be reported to the District Magistrate for necessary action. This pro-	(2) The three recommendations made by the public Accounts Committee and mentioned in column one of this statement are not feasible for the following reasons:- (a) most of the parties refuse to pay the fees in advance. It will not be in order to insist on such advance payment as the fees are chargeable for the specific services rendered by the Electric Inspector, and besides, the statutory inspections are carried out primarily in the interests of public safety and as such, they will not admit of indefinite postponement because of the default in payment of fees in advance by any party. (b) The fees cannot be recovered as "arrears of land revenue" unless such a provision is made in the Indian Electricity Act.

1	2	3
	procedure has worked very well indeed at most of the places, as not only the recovery of the inspection fees but also the compliance with the recommendations under the Indian Electricity Rules has been prompt.	1910. Besides it is felt that the recovery of unpaid fees as 'arrears of land revenue' will in no way improve the situation, as the amount recoverable in each individual cases is very small. (c) The question regarding provision in the rules for cancellation ~~fees~~ of licenses as penalty for non-payment of fees does not arise, as there are no cases of arrears outstanding against the Electric Supply Companies, which are granted licenses to supply motive energy under Section 3 of the Indian Electricity Act. 1910.

Below statement containing the P.A. Committee's recommendations in para.21 of its report regarding recovery of fees for the services of El.Inspectors and the action taken thereon.

ID/-
No.2891/36-El.

Public Works Department,
Bombay Castle, 24th December 1948.

Forwarded to the Finance Department for incorporating the information in the "Statement of action taken on the P.A. Committee's recommendations" to be placed before the P.A.C. at its next meeting.

By order of the Governor of Bombay,

Copy, with copy of the statement, forwarded to-

the Revenue Department,

the Accountant General, Bombay,

The Electrical Engineer to Govt. (with reference to his No.G-123/2612, dated the 27-8-1948).

Id/-
23-12-48.

Immediate.
No.P.259-H.

Finance Department,
Bombay Castle, 8th March 1948.

Subject:- Public Accounts Committee:

The above Committee met to-day in the Council Hall and considered the "statement of action taken on the previous recommendations of the Committee" placed before it and also examined a portion of the Audit Report. During the course of its deliberations some of the Members have asked for the following information:-

Item.	Information required.	Department concerned.
Statement of action taken etc.- Serial No.11.	Further details about the exact circumstances underlying the Government decision not to take further action with regard to the recovery of the Commission.	Agriculture and Rural Development Department.
2. Statement of action taken etc.- Serial No.13.	Further progress in regard to the recovery of past arrears of fees due from several electrical companies, and details of arrears still outstanding.	Public Works Department.
3. Paragraph 7 of the Audit Report accompanying the Appropriation Accounts 1946-47.- Excess under grant No.42- Loans and Advances, Provincial Government.	Whether the Collector of Belgaum has communicated the circumstances in which the advance in question came to be drawn by the District Local Board, Belgaum.	Health and Local Government Department.
4. Page 263 of the Appropriation Accounts.	Explanation of the figures of "Receipts and Recoveries" reported on page 263 of the Appropriation Accounts particularly those pertaining to the Grain Supply Scheme.	Civil Supplies Department, (Director of Civil Supplies, Accounts).

The Department concerned are requested to collect the requiste information and furnish it to their Secretaries to enable them to explain the points to the Committee when called.

By order of the Governor of Bombay.

Secretary to the Government of Bombay,
Finance Department.

Statement showing the amounts of inspection fees to be recovered by different Magistrates in the Province of Bombay.

Year.	Arrears outstanding. Rs.	As.	Ps.
1936-37.	157	8	0
1937-38.	45	0	0
1938-39.	62	0	0
1939-40.	565	0	0
1940-41.	1195	0	0
1941-42.	4385	0	0
1942-43.	3262	8	0
1943-44.	3624	4	0
1944-45.	3405	0	0
1945-46.	4822	0	0
Total from 1936 to 1946	21523	12	0
Arrears outstanding in Aug.1948	20714	4	0
Amount recovered between 1936-48	809	8	0
Further amount since recovered up to Feb.1949	448	8	0

Arrears still outstanding are Rs.20266-12-0.

ID/-
9-3-49.

2691/36/16369 & 11435.

P. W. D.

El.Br.

Submitted.

2. This Deptt. is concerned with item 2 in the F.D's, letter within. The Statement on pp.33-35 ante explains the position re: the action taken on the P.A.C's. recommendations re: recovery of fees for the services of El.Inspectors. The El.Engr. has now reported that an amount of Rs.447-8-0 has since been recovered -Vide,his No.G123/7122, dated the 18-2-1949 The position re: the arrears of inspection fees is therefore as follows:-

Arrears of fees outstanding
From 1936 to 1946 .....Rs.21523-12-0

Arrears of fees outstanding
in august 1948.....Rs.20714-4-0.

Amount since recovered.....Rs447-8-0.

Arrears still outstanding.....Rs.20,266-12-0.

3. It may be pointed out in this con. that several D.Ms. have since reported that efforts are continued to effect further recoveries. It may further be stated for information that the arrears are not outstanding against elect. Cos. as stated in item 2 of the F.D. letter but, such arrears are due from private parties.

4. The above note, with the relevant papers arranged within, is put up for the use of Secy.(I) with refce. to 'A' on p. 43 ante.

Thro'A.S.(II).

ID/-
9-3-49.

Note with reference to the discussion at the P.A.C. meeting on the 17-3-49, re: speedy recovery of fees for the services of Electrical Inspectors.

.....

No arrears of fees are due from the Electric Supply Cos., which are granted licensees to supply energy under section 3 of the I.E. Act, 1910. The arrears of fees, which are outstanding, are due from private parties, mostly using low and medium pressure for their electric installations such as flour mills, powerlooms, etc.

2. The only effective method of the recovery of the accumulated arrears of fees is that the D.M. concerned should recover them by the distress and sale of moveable proporty, belonging to the party concerned, under section 54 of the I.E. Act, 1910. The D.Ms. have already been asked to do so and instructions will again be issued to them to take immediate action in this connection.

3. The question of recovering the fees by way of "arrears of land revenue" was considered in consultation with the El.Engr. and the R.D. But that method was not found feasible, as there is no provision to this effect in the I.E. Act, 1910, and besides, the amount recoverable in each individual case is very small.

4. To avoid accumulation of arrears in future, steps are being taken to amend the I.E. Rules, 1937, so as to provide a suitable penalty for defaulters. In the meanwhile, the Elect. Sub-Inspectors have been instructed to hand over the fee notice to the operator immediately after the inspection is over and try their best to collect the amount at site; otherwise ask the operator to inform the owner to pay the fees at the El. Inspector's Office within ten days, failing which his name would be reported

to the dist. Magistrate for necy. action. This ~~prem~~ procedure is working very well, and the recovery of fees is thereby prompt.

5. It was suggested that complaint should be lodged with the D.M. on the 11th day in case of failure to pay the fees. The El. Engr. is being instructed to institute one or two such cases in Surat & Thana Dists. A

ID/- N.P.G.
18-3-49.

2691/36.

P. W. Deptt.

El.Br.

It is informally understood from the F.D. that the P.A.C. requires a note with reference to the discussion at the P.A.C. meeting on the 17-3-49, re: speedy recovery of fees for the services of Electrical Inspectors. As directed verbally by Secy.(I), the accompanying note has been prepared and may be sent, if appd., to the F.D.

Through A.B.(III).

ID/-
18-3-49.

A.B.(III).

At the discussion it was stated that arrears were heavy in Surat and Thana. The P.A.C. also wants to know the action taken for their recovery and the result of the action. It appears that this information may also be supplied and if so, this may be done separately.

Id/-
18-3-49.

U.O to F D dt 19.3.49.

El.Br. P. W. D.

With refce. to 'A' on p.3 ante, it is stated that the arrears of fees for the services of Elecl. Inspectors in ~~Bnk~~ Surat and Thana Dist. since 1936 are Rs.13669/- and Rs.3407/- respectively. In order to~~ex~~ recover these fees, the D.Ms. Surat and Thana have been expedited from time to time to effect the recoveries. In G.L.No.2891/36-III-El., dated the 7-10-48, the D.Ms. were asked to ~~xx~~ recover these arrears of fees within three months, failing which to justify the delay and state the difficulties experienced by them in clearing the arrears of fees. Nothing has, however, been heard so far from the D.Ms. Surat and Thana in this con. On the 16-2-1949, the El. Engr. has reported that the amount of arrears of fees since recovered from Surat and Thana Dist. is nil. The D.Ms. are being expedited again in the matter.

2. The above note may be sent u.o. to the ~~X~~ F.D. in continuation of the note on pp.1-2 ante.

Thro'. A.B.(III).

Id/-
19-3-49.

u.o to F.D. 9d 19/3/49
9d K.V.J.
19/3/49.

True Copy

2691/36.

⊗ ..... ⊗

Taken from AB II file No P-I/23575

Extract para 8 of the Report of the P.A.C. on the Appropriation Accounts, 1946-47 and the Audit Report, 1948.

"8. Item (13) in the Statement pertains to the recovery of arrears of certain fees leviable under the Indian Electricity Act, 1910. The arrears are mainly due from individual consumers and not from electrical companies. We were apprised of the steps taken by the P.W.D. for effecting the recovery of the arrears through the Dist. Magistrates. But the arrears have by no means decreased. A further report in respect of outstanding arrears may be made to the Committee next year. Apart from the question of recovery of past arrears it is necy. to see that arrears do not accumulate in future. The question assumed added importance in view of the projected extension of the Grid System. We recommend investigation of the question whether arrangements cannot be entered into with Electrical Companies for the prompt recovery of fees from their customers and whether advance payment of fees cannot be made compulsory in law."

B

Id/-
5-5-49.

2891/36/16369.

El.Br. P. W. D.

These papers deal with the recommendations of the P.A.C. re: recovery of fees for the services of El.Inspectors. The statement on pp. 33-35 ante explains the whole position in this con. Subsequently, a note in this con. as required by the P.A.C. was prepared, a copy of which is kept on pp. 49-50 ante. Para. 5 of that note was added by Secy.(I). The P.A.C's. Report has since become available. Extract para 8 of that report, which deals with recovery of arrears of fees, is kept on pp. 55-56 ante. These papers may be refd. U.O. to the El.Engr. with a request to -

(a) lodge a complaint with the D.M. on the 11th day in case of failure to pay the fees and to institute one or two such cases in Surat and Thana Dists;

and

(b) submit his proposals with refce. to the P.A.C's recommendations to investigate the question whether arrangements cannot be entered into with electrical cos. for the prompt recovery of fees from their customers and whether advance payment of fees cannot be made compulsory in law.

Thro' A.B.(II).

Id/-
14-5-49.

Id/-
18.5.49.

U-O to El. Engr. to Govt. Id 20-5-49.

Originals in file No 2891/36/III

Below U.O.R. No. 2891/36/27298, dated the 20th May 1949, from Government in the Public Works Department.

No. G.123/8838 of 1950.

Bombay, 25th January 1950.

Returned, with compliments, with U.O.R. No.2891/36/16319, dated the 20th May 1949, and No.2891/36, dated the 15th September 1949.

2. U.O.R. Serial No. 27298:- The up-to date lists of defaulters, with their names and addresses have since been furnished by the Assistant Electric Inspectors to all the District Magistrates concerned. The recoveries of arrears are being watched and the Magistrates will be expedited from time to time.

As regards para.2 of the Secretariat office note at page 115 ante, reference is requested to para 2 of this office letter No. G.123/7851, dated the 28th December 1949, addressed to the Secretary to Government, Finance Department, and copy endorsed to Government, with which the statement showing the latest outstanding arrears of inspection fees (one additional copy of the statement is enclosed herewith for ready reference) was forwarded. In this connection, it is stated that the action under section 6-C of the Bombay Electricity (Emergency Powers) (Amendment) Act, 1949, will help speedy recovery of the past arrears, and will also avoid arrears being accumulated in future. As it is proposed to authorise the Electrical Inspectors to exercise the powers under the above section and those officers are directly concerned with the recoveries of the fees, it is incumbent on them to accelerate the recoveries and there is, therefore, no need of the quartely statements being submitted to Government.

B

3. U.O.R. Serial No. 16369 :- With reference to (a) in the Secretariat office note on page 57 ante, the

matter was taken up with the District Magistrates, Surat and Thana, by the Electric Inspector, and it was ascertained that the former was not agreeable to institute prosecution, as it was not a feasible proposition. The latter has not so far done anything in respect of the cases referred to him for the purpose. In my opinion, according to section 54 of the Indian Electricity Act, on making an application to the Magistrate, the action mf for the recovery of the fees from the defaulter is to be taken by the Magistrate by the distress and sale of moveable property belonging to the drfaulter, and the question of instituting a complaint does not arise.

In view of the remarks in para. 2 above, no further remarks appear necessary on (b) of the para.

Sd/-

Electrical Engineer to Govt.

Originals
AB II file No
P.I/3446/

Extract para 4 of the F.D. note dated the 24-4-50 forwarded under its No. P-259/II - H, d-the 26-4-50.

Para 6 of the P.A.C's Report :- The P.A.C. wanted a report in respect of the outstanding arrears of fees leviable under the I.E. Act, 1910,. According to the report which the El.Engr. to Govt. made to the P.W.D. in Dec. 1949, the amount of the outstanding arrears up to that time was Rs.45, 182. The same figure is accordingly mentioned in the "Statement of action taken etc". It is possible that the El. Engr. might have made further recovery. Since then and the P.A.C. will have to be informed of the latest position in that respect. The P.W.D. which is administratively concerned with the matter may be requested to Communicate the latest figure after ascertaining it from the El.Engr. to Govt.

2891/36/16369

P.W.D.

El.Br.(I)

Pl. see the extract overleaf. The El.Engr. may be requested to submit his report rei 'A' overleaf by 16-5-50 latest, as the F.D. wants the inform by the 20-5-50.

2. It is added for inform. that file No. 2678/36 refd. to on p.61 ante has been subtd. to-day to Ds; Secy. and H.M. for approving final orders to be issued.

re: 'B' on p.59 ante.

Id/-
3-5050.

Immediate

U.O. to El. Engr. to Govt, dd. 4-5-50

Below U.O.R. No.2891/36/16369 dated the 4th May 1950, from Government in the Public Works Department.

No. G.123/1846 of 1950.

Bombay, 15th May 1950.

Returned, with compliments.

2. The total amount of fees outstanding to be recovered upto the 30th April 1950 is ₹,73,884/-. The increase over the figures already reported to Government under this office endorsement No. 123/8838 dated the 25th January 1950, is due to the addition of recoveries of the subsequent four months from January to April 1950.

Sd/-

Electrical Engineer to Govt.

2891/36/16369.

El.Br.(I). P. W. D.

File No.2891/36/16369, containing P.A.C's. suggestions re: the recovery of arrears of el. inspection fees was refd. u.o. to the El.Engr. on the 4-5-50 with a request to submit the latest report in this con. As the F.D. requires the inform. before the 20-5-50, the El.Engr. may pl. return the above file with his remarks thereon immediately.

Id/-
16-5-50.

Immediate

U.O. to El.Engr. to get. 16.5.50

Returned with compliments.

2. The main file has already been returned to Government on the 15th May 1950, with this office endorsement No.G.123/1846 dated the 15th May 1950.

Sd/-

Electrical Engineer to Govt.

U.O.R. to Govt. in the P.W.D.

No.G.123/1903 dated 16th May 1950.

2891/36/39013 & 39224.

Letter.

No.2891/36-IV-El. (I).

P. W. D.,
B.C. (Bombay No.1),
19th May 1950.

To

The Secy. to the G. of B.,
Finance Department.

Sub:- Recovery of electric inspection fees.

Refce:-Para 4 of the F.D. note, dt. the 24-4-50, forwarded under the F.D. endt. No.P-259/II-H, dt. the 26-4-50.

2. The total amount of electric inspection fees to be recovered upto the 30-4-50 as Rs.75,884/- The increase in arrears is due to the addition of recoveries to be made for the inspection work, done during the last four months, from January to April 1950.

3. Necy. orders have since been issued in the G.M. P.W.D. No. 2678/36(V), dated the 9-5-50 (copy enclosed) authorising the Electric Inspectors, Poona and Bombay to exercise the powers under Section 6-C of the Bombay Elecy. (special Powers) Act, 1946, viz. to direct the licensees to discontinue the supply of electrical energy to any consumer, who fails to pay within ten days, any fees leviable for inspection, examination or test made or any other service, rendered by an Electric Inspector. It is expected, this will help the recovery of past arrears and will avoid accumulation of arrears of fees in future. The progress in this con. is being watched.

By order of the G. of B.

D.A. G.N. refd. to

Dy. Secy. to Govt.

Copy forwarded to the El.Engr. to Govt. for information with refce. to his No. G-123/1846, dt. the 15-5-50.

2. The attention of the El. Engr. is invited to para 2 (I) of his No. G-123/2612, dt. the 27-8-48

and he is requested to-

(a) furnish a copy of his orders asking the El. Inspectors to collect the amount of fees at site, etc. etc.

(b) State where and in how many cases, the Inspectors have actually carried out his instructions;

(c) State why the arrears have since increased instead of recoveries being prompt, under the above procedure, as opined in his above m.e.r.

(d) give the exact figure of the amount, since recovered, out of the arrears of Rs.45,182/-, reported under his No. G-123/8838, dt. the 25-1-50,.

(e) state whether nothing could be recovered out of the additional arrears of fees that became due for the inspection work, done during the last four months from January to April 1950, and if so, why.

3. The El.Engr. should pl. furnish the above information, very early and also report in due course the progress made in clearing the arrears of fees after the issue of orders in G.N. No.2678/36-V, dt, the 9-5-50.

Id/-
17-5-50.

Public Accounts Committee.

Pl. ask the Elect. Engr. to submit a statement of dues of Elec. Inspr's fees as on 1st Jan. 49, 1st Jan. 50, and 1st July 50, showing, for each figure, the 'current' dues and 'arrears'. I presume the year of account ends 31st March, if so, the Elect. Engr. should show for the fin. years (or accounting years) 48-49/49-50, the arrears as on 1st day of the year, claims of fees arising in tthe year, recoveries made in the year out of 'arrears' and 'current' dues and 'balance' to be recovered.

He should also report progress made in 50-51 (current year) for recovery of 'arrears' outstanding on 1st day of the year, and how he proposes to bring down the arrears.

He should, in due course, discuss the question with me.

to A.Br.

Sd. G. V. Bedekar
13/9
Secy.

El. Br (1)
The el Engr. may be requested
u-o to comply with the Secy's above note
sd 14/9/50

V. urgent
u-o. to. el. Engr. to Govt. sd
18.9.50

8. Paragraph 9 of the Public Accounts Committee's Report:- This is regarding the arrears of inspection fees leviable under the Indian Electricity Act, ~~of~~ 1910. The Committee wants to know the effect of the new amendment to the Act which enables Goverament to discontinue the supply of electrical energy to consumers who fail to pay on demand the fees in respect of the services of electrical inspectors and their assistants. By 'relevant information' the Committee obviously mean detailed report including the latest figures of outstanding arrears in support of the departmental view regarding the efficacy or otherwise of the new amendment. The Public Works Department which is the administrative department will have to collect the necessary statistics from the Electrical Engineer to Government and prepare a report for submission to the next Public Accounts Committee. The Public Works Department may be requested to expedite the necessary action.

(Below copies of the relevant extracts from the Finance Department note regarding implementation of the recommendations of the Public Accounts Committee).

VERY URGENT. Finance Department,

No.P.259/H. Bombay Castle, 13th January 1951.

Forwarded to the *marginally mentioned Departments of the Secretariat for information and very urgent action. Their attention is invited to the Government Memorandum, Finance Department No.P. 259-H(iii), dated the 7th October 1950, and they are requested to expedite disposal of all the outstanding recommendations of the Public Accounts Committee. The Departments are also requested to submit their reports to this Department (with copies endorsed to the Accountant General) without any further delay.

*The Local Self Government and Public Health Department.
The Agriculture and Forest Department.
The Revenue Department.
The Home Department.
The Labour and Housing Department.
The Civil Supplies Department.
The Director of Civil Supplies (Accounts).
The Public Works Department.

By order of the Governor of Bombay,

Sd/-

Deputy Secretary to the Government of Bombay,
Finance Department.

Copy with a copy of the Finance Department note to the Accountant General, Bombay for information and necessary action with reference to paragraph 4 of the Finance Department note.

Copy of letter No.DA. IX.130/341 dated the 9th May 1946 from the Accountant General, Bombay to all Treasury Officers. Subject:- Reconciliation of receipt on account of fees under the I.E. Rules, 1937 and fees for the inspection of cinemas etc.

It has been brought to the notice of this office that the instructions issued in this office General letter No.D.A.IX.13/1290 dated 14-9-1945 are not being properly followed and that the Asstt.Elec. Inspectors do not in some case receive monthly statements of inspection fees credited into the treasuries with receipt & duplicate chalans. In cases where the statements are received, full particulars of the amounts paid by the parties to gether with the full names and addresses are not furnished and correct heads of account are not noted in other cases. The necessity of the punctual submission of the statements of inspection fees to gether with receipted duplicate chalans every month to the Asstt. Electrical Inspector concerned giving full particulars of the amounts paid and the correct head of account to which these fees are creditable is reiterated to facilitate work of reconciliation between the figures booked in this office and the departmental officers. Any case of non-compliance in the prompt submission of these statements in future will be noted as a treasury irregularity.

"True Copy"

Sd/-

Head Clerk to the

Electrical Engineer to Govt.

Office of the Assistant
Electric Inspectors, P.W.D.
Dated 195

To

The electric installation at .....
..... was inspected on ..... and you are hereby required under Bombay Government Order, Public Works Department, No.2891/36, dated the 5th December 1942, as published in the Bombay Government Gazette, Pages 4174-78 of 10th December 1942, to pay an inspection fee of Rs.....into the Government Treasury on the Reserve Bank of India to the credit of this Department under XIII-Other Taxes and Duties -B- Receipts from Electricity Duties - Fees under the Electricity Rules 1937, and fees for electrical inspection of Cinema, by Chalan in triplicate, the duplicate of which should be forwarded to this office by you for information. Care should be taken to mark the Chalans Original, Duplicate & Tripliaate. The fees may also be paid into this office or that of the Electrical Sub-Inspector, in cash, by money-order or Cheque.

A

If this fee is not paid and the receipted Chalans ∅ not received in this office within ten days from the date hereof, action will be taken against you under Section 6(c) of the Bombay Electricity (Emergency Powers) (Amendment) Act 1949, in accordance with which the supply Company will be directed to cut off and discontinue the supply of electrical ~~xx~~ energy to the installation until the above fees are paid.

Asstt. Elec. Inspector,
P.W.D.

N.B.- Cash will be received in the office upto 1.30 p.m. on week days and upto 12 noon on Saturdays.

REGISTERED A.D.

No. of

Office of the Assistant
Electric Inspector, P.W.D.
Dated 195

To

_____

_____

_____

Subject:- Arrears of Inspection Fee of Rs.....
for inspection of E.I. carried out
at_____

Sir/Sirs,

I have to inform you that an amount of Rs._____ as noted above is outstanding against your name in the Register of this office.

In this respect I have to invite your attention to the Fee Notice No._____of _____handed over personally at the time of the inspection of the above installation and advise you to intimate this office whether the payment thereof has been made by you; and if so to forward the relevant receipt thereof in token of the payment made to this office for verification and return.

It should please be noted that if the above arrears of inspection fees are not paid into this office or if the receipt in token or payment already made is not forwarded to this office for verification, within ten days from the date of receipt of this letter action will be taken against you under section 6-C of the Bombay Electricity (Emergency Powers) (Amendment) Act 1949, (Bom XX of 1946), in accordance with which the Supply Co., will be directed to cut off and discontinue the supply of electrical energy to the above electric installation, until the above fees are paid.

Yours faithfully,

ASSTT. ELEC. INSPECTOR,

P.W.D.

N.B.- Cash will be received in this office upto 1.30 p.m. on week days and upto 12 noon on Saturdays.

Statement showing the amount of outstanding inspection fees and the recoveries made.

S.No.	Accounting year.	Arrears on 1st April of the Accounting year.	Fees accrued during the Accounting year.	Recoveries made during the accounting year.		Balance. (Col.3-5, plus col.4 - 6).	Remarks.
				From arrears. (Col.3)	From fees (Col.4).		
1.	2.	3.	4.	5.	6.	7.	8.
		Rs.	Rs.	Rs.	Rs.	Rs.	
1.	1948-49.	66,736- 4- 0	3,22,970- 8- 0.	24,682- 8-0.	2,77,761- 8- 0.	87,262- 12-0.	
2.	1949-50.	87,262- 12-0.	3,47,055-12-0.	37,812- 8-0.	3,00,083-12- 0.	96,422- 4- 0.	
3.	1950-51. (up-to 30-6-50.).	96,422-4-0.	1,01,732- 8-0.	17,525- 0-0.	59,875- 0- 0.	1,20,754-12-0.	

Sd/-

Electrical Engineer to Govt.

A DS/-

Below U.O.R.No.2891/36 dated the 18th September 1950 from Government in the Public Works Department.

No. G.123/371 of 1951.

Bombay, 12th April 1951.

Returned, with compliments

2. A statement showing the outstanding fees during the years 1948-49, 1949-50, and 1950-51 (upto 30th June 1950), and the recoveries made during the respective years, is enclosed as required.

3. It will be observed from the figures given in the statement that, so far as fees accrued due during the year are concerned, the percentage of recovery comes to between 85% and 90%, except in the year 1950-51, where the fees charged and recovered upto 30th June 1950 only are taken into account, the percentage of recovery is comparatively lower, since from the past experience it is observed that recoveries are generally affected after a month or two after inspections, and most of them before the end of the financial year As regards the arrears of fees, it is stated that they comprise mostly the old outstanding arrears which had been referred to the District Magistrates under section 54 of the Indian Electricity Act, 1910, since the year 1936-37 and the arrears due from other persons such as small factory owners. In this connection, it is pointed out that the arrears shown in column 7 of the statement cannot be considered as actuals, since they do not account for the payments made by several persons through the Government Treasuries or the Reserve Bank, as the duplicate receipted chalans in proof of such payments are not generally sent to the Assistant Electric Inspectors or the Electric Inspectors, who are responsible to watch such recoveries, as required by rule 3(1)(a) of the Rules for levy of fees for the services of Electric Inspector. The Accountant General, Bombay, had issued instructions to all Treasury Officers - vide copy of his letter dated 9-5-19, enclosed - to forward monthly statements of inspection fees credited into the Treasuries, with the receip-

ted-duplicate chalans, to the Assistant Electric Inspectors; but these instructions have not so far been carried out by the Treasury Officers, with the result that it has not been possible for the Assistant Electric Inspectors to verify the actual recoveries so far effected and the names of persons who have paid the fees through Government Treasuries. Further, in spite of frequent reminders to the District Magistrates, to whom the cases of outstanding fees have been referred, no intimations as to the recoveries effected, etc. have been forthcoming. Thus in the absence of any information from the Treasury Officers and the District Magistrates, the entire amount of fees charged for inspections, excepting those paid at the time of ~~from~~ inspection, as well as those paid by the parties into the offices of the Electric Inspectors and Assistant Electric Inspectors, is being shown as arrears.

4. Since powers are delegated to the Electric Inspectors under section 6 A of the Bombay Electricity (Special Powers) Act, 1946, it is expected that the work of recovering fees charged hereafter, as well as the previous arrears, will progress speedily in future. It is actually observed that para.2 of the ~~p~~ revised fee notice served on the parties - vide from marked "A", enclosed - has had a salutary effect on the persons liable to pay the fees and the fees are now being recovered promptly for fear of disconnection of supply. It has not been possible to take steps under section 6C of the above Act in the case of arrears outstanding previously from the parties, as well as those which have been referred to the District Magistrates, since the information regarding the names of persons who have actually paid the fees into Treasuries, or from whom recoveries have already been made by the District Magistrates, has not been available, as stated in para.3 above. The previous defaulters are, however, being served with a notice in form marked "B" (enclosed) and the necessary action will be taken in due course, if it is found that fees have not been paid by any person. It is expected that this course will help considerably to bring down the present arrears.

Sd/-
Electrical Engineer to Govt.

2891/30/32283.

Public Works Department.

K.Br.

Submitted with reference to the Secy.'s note dt. the 14-9-50.

2. Please see the statement at p.103 ante which gives figures of arrears, fees accrued and amounts recovered during the financial years 1948-49, 1949-50 and in the period 1st April 1950 to 30th June 1950. From the figures in the column 7, it appears that the amount of arrears is on the increase; but those figures are not actuals. Some amount might have been paid by the persons concerned into the treasury but the El.Engr, has no information in the matter, ~~xx~~ vide para.3 of the El.Engr.'s note. It has not been possible for the El Engr to take steps under Section 6 C of the Bombay Electricity (Special Powers) Act, 1946 in respect of old arrears as the information regarding the names of persons who had actually paid the fees into treasuries or from whom recoveries have already been made by the Dist. Magistrates was not available. The El. Engr. is, however, serving the notices in the form, vide p.101 ante, to the previous defaulters. Para.3 of the form appears to be a proper step to bring down the arrears. It is ascertained informally that the notices in the above form are being served on the old ~~xxx~~ defaulters for the last 4-5 months and the El.Engr. expects that this course will help considerably to bring down the present arrears.

3. As regards the fees accrued during the year the recovery comes to 85% to 90%. Please see the revised fee notice form at p.99 ante. para.2 of the notice has had a salutory effect, and the fear of disconnection is helping to effect prompt recoveries. The El.Engr. expects

that as a result of the powers delegated to the Electric Inspectors under Section 6 C of the Bombay Electricity (Special Powers) Act, 1946, the work of recovering fees charged hereafter as well as the previous arrears will progress speedily in future.

4. The P.A.C. wants the detailed reports including the figures of outstanding arrears in support of this Department view regarding the efficacy or otherwise of the new amendment, vide extract at p.83 ante. The figures furnished by the El.Engr. in the statement at p.103 ante are only upto 30-6-50. The necy. powers were delegated to the El. Officers under GN. No. 2678/36 dated 9-5-50. The efficacy of the new powers is not, therefore, reflected in the statement at p.103 ante. It will be seen from the El.Engr's note that the delegation of powers has a salutory effect on the recovery of inspectionfees and also of the old arrears though he has not furnished latest figures in support of his view. He may be asked to furnish A figures upto 31-3-51. It is for consideration whether a report without figures may be furnished to the F.D. and the A.G. andbelow, with reference to the F.D. Memo No.P.259-H(III), dt. the 7-10-50 and No.P.259/H? dt. 13-1-51 :-

The delegation of necy. powers to the El. Officers under Section 6 C of the B'bay Electy. (Special Powers) Act, 1946, vide copy of G.N. No.2678/36(V), dt. 9-5-50 enclosed, has a salutory effect on the recovery of inspection fees and also of the outstanding arrears. Notices in the forms marked 'A' and 'B' enclosed herewith are served on the persons concerned for the payment of inspection fees and of the outstanding arrears and it is observed that the fear of disconnection of supply is effecting prompt recovery of the fee as well as of the old arrears. It is

expected that the course adopted will help to bring down the present arrears. The El. Engr. is being instructed to furnish the figures of recoveries effected and outstanding arrears upto 31-3-51 and it is hoped, the figures will show the efficacy of the amendment to the B'bay Electy. (Special Powers) Act, 1946, which enables Government to discontinue the supply of electrical energy to consumers.

5. Necessary draft will be put up for approval after orders are given.

Id/-
16-5-51.

As proposed in para 4 of the O.N.

Id/-
18-5-51.

A bedone; we cannot reasonably work in May '51 on figures to end of June '50 only.

How can office say that delegation has had a salutory effect when no figures for the recent months are available? More repatition of the Electrical Engr's Station is not enough. We must have details of cases for the year 50-51 in which use of Section 6 C was made. We should also ask for a break-up of the 'arrears' as on 1-4-51, amoung the different years to which may pertain (i.e. 47-48, 48-49, 49-50 & 50-51) to see if old arrears of 3 years or more are outstanding & to what extent.

Sec. 6 C can be used at present, only in cases where the Installation is still with the defaulters; and not in cases where the installation has charged hands. In the letter type of case the D.M. has to recover the dues as arrears of land revenue, so the scope for use of section 6 C is limited by this factor especially for old arrears. 9d 18-5-57

2891/36
32283

P. W. D.

K.Br.

Resubmitted.

2. These papers may be referred u.o. to the El.Engr. for furnishing the information as directed in the Secy's note of 18-5-51. That Officer may be requested to treat this case as very urgent.

Id/-
22-5-51.

9d
23.5.51.

Very Urgent

U.O from the El Engr to Govt d 24 May 1951
(in Fil 2891/36 III)

Below U.O.R. No.2891/36/32283 dated the 24th May 1951, from Government in the Public Works Department.

No.G.123/5661 of 1951.

Bombay 1, 11th August 1951.

Returned with compliments.

2. A fresh statement showing the figures of recoveries of inspection fees effected during the years 1948-49, 1949-50 and 1950-51 and the arrears outstanding on the 1st of April of each of the years 1948-49, 1949-50, 1950-51 and 1951-52, is enclosed.

3. The use of Section 6(c) of the Bombay Electricity (Special Powers) Act, 1946 has been, at present, generally made in the case of persons who make default in the payment of fees which have lately become due and so far the action of disconnecting the supply was taken in pursuance of that Section in about 85 cases, which resulted in recovering the total fees amounting to Rs.1057-8-0. It is found that the issuing of a notice of disconnection itself has a great salutary effect on the defaulters, who promptly respond to such notices and pay the due fees, thereby avoiding the ultimate disconnection of supply. The position in the case of old defaulters, is, however entirely different; since after the service of notice in the form marked "B" at page 101 ante, it is found that some of the installations have either changed hands or disposed of entirely and in many other cases the persons con-cerned have intimated that they have already paid the previous arrears direct into the Government Treasuries. As explained in para 3 of my endorsement at pages 105-106 ante, in the absence of any intimation from the Treasury Officers regarding the recoveries effected, it is not possibl to verify whether the fees have been paid by those persons and it is not, therefore possible to take action against them. It is, however anticipated that after the actual recoveries effected through the treasuries as well as through the District Magistrates are finally known, the amount of arrear now appearing as due in the enclosed statement would materia fall down.

Sd/-
Electrical Engineer to, ...

Statement showing the recoveries effected and the arrears outstanding in respect of Inspection fees.

Serial No.	Accounting Year.	Arrears on 1st April of the Accounting year.	Fees accrued due during the accounting year.	Recoveries made during the accounting year.			Balance (Col. 3-5 plus Col. 4-6).
				From arrears (Cl. 3).	From fees (Col. 4)	Total.	
1	2	3	4	5	6	7	8
1.	1948-49	Rs. 66,736-12-0	Rs. 3,22,970-8-0	Rs. 24,682-8-0	Rs. 2,77,761-8-0	Rs. 3,02,444-0-0	Rs. 87,262-12-0
2	1949-50	87,262-12-0	3,47,055-12-0	37,812-8-0	3,00,033-12-0	3,37,896-4-0	96,422-4-0
3	1950-51	96,422-4-0	4,39,834-8-0	48,568-10-0	3,75,393-12-0	4,23,962-6-0	1,12,294-6-0

Abstract of Arrears.

	Rs.
On 1-4-1948	66,736-12-0
" 1-4-1949	87,262-12-0
" 1-4-1950	96,422- 4-0
" 1-4-1951	1,12,294- 6-0

/3

Sd/-

Electrical Engineer to Govt.

AHP.
5-6-

Pl. see Secy.'s D.O. letter dt. the 30-7-51, addressed to the El.Engr. to Govt., re: action taken on the recommendation of the Public Accounts Committee for the recovery of arrears of inspection fees leviable under the I.E.Act, 1910.

2. In pursuance of a previous recommendation of the Committee, this Deptt. had taken power under Sec. 6 C of the B'bay Ely. (Emergency Powers) (Amendment) Act, 1949, to discontinue the supply of elecl. energy to consumers who fail to pay on demand the fees leviable under the I.E. Act, 1910, in respect of the services rendered by the Elecl. Inspectors or their Assistants. The Committee desires to know, with statistics, the effect of the amendment to the Act, especially against contumacious defaulters, and whether its exercise has helped in the recovery of the inspection fees.

3. In this con. pl. see the notes recorded on pp.107-109 of the file No.2891/36 IV and Secy.'s notes thereon. The El.Engr. has submitted his remarks together with a statt. showing figures of recoveries of inspection fees effected during the years 1948-49, 1949-50, and 1950-51 and the arrears outstanding as on the 1st of April of each of the above years and 1951-52.

4. From the figures furnished by the Electrical Engr. it cannot be maintained that the powers under the amendment have been effectively used by the Elecl. Officers. The correct upto date position, would perhaps be better known if statistics were avialable also of recoveries made through the Treasuries as well through the Dist. Magistrates. The A.G., B'bay, had issued instructions (9-5-46) to all Treasury Officers to forward monthly statts. of inspection fees credited into the Treasuries with the receipted duplicate chalans to the Asst. Elec. Inspectors. But the El. Engr. states that these instructions have

not been carried out. The El.Engr. also xxx complains that Dist. Magistrates, to whom outstanding cases of arrears were refd., give no intimation of the recoveries effected inspite of specific requests and reminders.

The information, as available, may be forwarded to the Finance Dept. as per the draft put up for approval and steps thereafter taken to address the A.G. and the D.Ms. suitably. The El.Engr. may be advised to enforce strictly portion 'A' of the two sample notices furnished by him at pp.99 and 101 of file No.2891/36-IV in cases other than those refd. xx to the D.M.

Id/- W.A.S.
17-8-51.

Thro' B' Br.

Id K.V.J. 17-8
(D.S.)

IP. G.V.B.
18.8.51
(secy.)

M.
5.6.56